

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
STANDARD OPERATING PROCEDURE (SOP)
103 CMR 482, *Telephone Access and Use***

PURPOSE:

This standard operating procedure (SOP) establishes guidelines outlining access to the Videophone, CAPTEL, and TTY devices by Deaf and Hard-of-Hearing inmates, consistent with 103 CMR 482, *Telephone Access and Use*. This SOP is applicable to all employees of the Department of Correction (Department).

SECTION I: Telephone Devices for the Deaf and Hard-of-Hearing

Inmates who are Deaf or Hard-of-Hearing who wish to communicate by telephone shall be afforded access to telecommunication devices for the Deaf and Hard-of-Hearing. There are three available devices for inmates who are approved to use them:

- **CAPTEL** – This device functions like a traditional telephone in that it enables verbal communications; but it also connects to a captioning service that transcribes the conversation and provides captions on a built-in screen so that Deaf or Hard-of-Hearing users can read what the person on the other end is saying
- **TTY Teletypewriter** – This device allows for written communications between individuals
- **Videophone** - This device allows users of American Sign Language (ASL) to communicate via video through a sign language interpreter with individuals on the other end who do not speak sign language. It also allows direct sign language communication with individuals on the other end who speak sign language.

SECTION II: Access to CAPTEL, TTY and Videophone Devices

Deaf or Hard-of-Hearing inmates who are allowed access to a Videophone shall be provided access during the same hours the general population has access to telephones. Access to the Videophone shall be provided within the inmates' housing unit. Inmates approved to use the Videophone will be allowed twice the amount of time to complete calls using this device as is provided to inmates using telephones. For example, if inmates are allowed twenty (20) minutes for calls using telephones, inmates using the Videophone will be allowed forty (40) minutes for these phone calls. This additional time for completing calls is subject to operational or security concerns or administrative constraints (e.g., institutional emergencies).

In the event a Videophone is not available within a Deaf or Hard-of-Hearing inmate's housing unit or is not working, the inmate may request access to a stationary Videophone at the institution.

Access to a stationary Videophone will be provided consistent with the procedures for accessing CAPTEL and TTY devices described below.

Deaf or Hard-of-Hearing inmates who are allowed access to the CAPTEL or TTY devices shall be provided access during the same hours as the general population has access to telephones. The inmate will notify his/her/their housing unit staff of their request to utilize the device. The housing unit officer shall make an entry in their unit activity log (IMS) of the request to include the inmate's name and commitment number.

The unit officer shall contact staff at the site where the device is stored to make arrangements for the inmate to go utilize the device.

At the site where the device is stored, the staff member responsible to provide the inmate access to the device shall maintain a log of the device's use. The log shall record the date, time, the inmate's name, commitment number, number dialed and end time. Inmates will be allowed twice the amount of time to complete calls using these devices as is provided to inmates using telephones. For example, if inmates are allowed twenty (20) minutes for telephone calls using telephones, inmates using the CapTel, TTY, or stationary Videophone shall be allowed forty (40) minutes for these phone calls. This additional time for completing calls is subject to operational or security concerns or administrative constraints (e.g., institutional emergencies).

Access to the device should be provided as soon as possible, with the expectation that access will generally be provided within forty-five (45) minutes. Occasions in which access is not provided within two (2) hours should be a rare exception. Access shall not be delayed for more than two and one half (2.5) hours unless access must be prevented or delayed for one of the reasons outlined in 103 CMR 482. If access is not provided within two (2) hours, the reason for delay must be documented by the unit officer after access has been provided or by the end of shift.

Inmates shall not be denied access to assistive technology, except when the Superintendent or designee can present clear and convincing evidence that access will jeopardize the safety and security of the institution or the visitors.

SECTION III: Tracking/Monitoring

It shall be the responsibility of the ADA coordinator at the institution to monitor and confirm that inmates generally gain access to the stationary Videophone, CAPTEL, and TTY devices within forty-five (45) minutes. In this regard, on a monthly basis the ADA Coordinator shall review the log at the site where the device is stored and randomly check 25% of the inmates who used the device for the month against the housing unit activity log where the inmate is housed to determine whether access has been provided within forty-five (45) minutes of an inmate's request to use the device. Instances where it took longer than forty-five(45) minutes for the inmate to gain access should be noted. The results of this review shall be documented in a report by the ADA Coordinator and kept on file.